22386 U.S.PTO
10/675093
093003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UTILITY PATENT APPLICATION TRANSMITTAL
(For new non-provisional applications under 37 CFR § 1.53(b))

Atty. Dkt. No: 5760-12900	
Inventor(s): Robert P. Rossi	
Title: COMPUTER SYSTEM AND METHOD FOR PERFORMING LOW IMPACT BACKUP OPERATIONS	

§

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EV318247881US
DATE OF DEPOSIT: September 30, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Derrick Brown

Application Elements

1. ☒ Filing Fee
The filing fee is calculated as shown below.

Total Claims	27	- 20	= 7	x	$18.00 =	$ 126.00
Independent Claims	6	- 3	= 3	x	$84.00 =	$ 252.00
Multiple Dependent Claims					Fee:	
					Basic Fee:	$ 750.00
					Total:	$1,128.00

☒ The Commissioner is hereby authorized to charge the filing fee and any other fees which may be required or credit any overpayment to Deposit Account No. 501505/5760-12900/BNK.

2. ☒ Specification
15 page(s) of specification; 5 page(s) of claims, 1 page(s) of abstract

3. ☒ Drawings
Informal Figure(s) 1-7 on 5 sheet(s)

4. ☒ Oath or Declaration
☒ Newly executed
☐ Copy from a prior application (see 37 C.F.R. § 1.63(d))
Deletion of Inventor(s) (in continuation or divisional applications):
☐ Delete the following inventor(s) named in the prior non-provisional application: _____
☐ The inventor(s) to be deleted are set forth on a signed sheet attached hereto.

5. ☐ The entire disclosure of the prior application referred to above is considered to be part of the accompanying application and is hereby incorporated by reference herein.

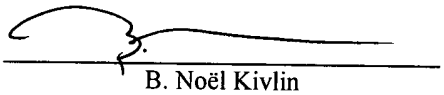
6. ☐ Microfiche Computer Program (Appendix)

7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
☐ Computer Readable copy
☐ Paper Copy (identical to computer copy)

☐ Statement verifying identity of above copies

8. ☒ Assignment Papers
 ☒ **Assignee: Veritas Operating Corporation**
9. Power of Attorney
 ☒ Is attached.
 ☐ The power of attorney appears in the original papers of the prior application.
 ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
10. ☐ Information Disclosure Statement (IDS)
 ☐ Copies of IDS Citations
11. Amendments
 ☐ A preliminary amendment is enclosed.
 ☐ Cancel in this application claim(s) ____ before calculating the filing fee. At least one independent claim is retained for filing purposes.
 ☐ Amend the specification by inserting before the first line the sentence:_____.
12. ☒ Return Receipt Postcard
13. Small Entity Status
 ☐ A small entity statement is enclosed.
 ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
 ☐ Is no longer claimed.
14. ☐ Priority of foreign application number _____, filed on in _____ is claimed under 35 U.S.C. §§ 119(a)-(d)
15. ☐ Petition under 37 C.F.R. § 136 for Extension of Time
15. ☒ Fee Authorization forms
16. ☒ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

Address all future correspondence to:
B. Noël Kivlin
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
Customer ID #35690
P.O. Box 398
Austin, Texas 78767
(512) 853-8800; Fax (512) 853-8801

Signature 
Name B. Noël Kivlin
Registration No. 33,929
Date September 30, 2003

09/30/03
17264 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450

Derrick Brown

FEE AUTHORIZATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Commissioner is hereby authorized to charge the following fee to Deposit Account Number 501505/5760-12900/BNK:

Total Claims	27	- 20	= 7	x	$18.00 =	$ 126.00
Independent Claims	6	- 3	= 3	x	$84.00 =	$ 252.00
Multiple Dependent Claims					Fee:	
					Basic Fee:	$ 750.00
					Total:	$1,128.00

Attorney Docket No.: 5760-12900

The Commissioner is also authorized to charge any extension fee or other fees, which may be necessary to the same account number. If the abovementioned account is found to have insufficient funds, the Commissioner is authorized to charge Deposit Account Number 501623/5760-12900/BNK.

Respectfully submitted,

B. Noël Kivlin
Reg. No. 33,929
Attorney for Applicants

Meyertons, Hood, Kivlin,
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Date: September 30, 2003

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Assistant Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450

Derrick Brown

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

Atty Docket Number:	5760-12900
First Named Inventor:	Robert P. Rossi
Title:	COMPUTER SYSTEM AND METHOD FOR PERFORMING LOW IMPACT BACKUP OPERATIONS

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

September 30, 2003
Date

Signature

B. Noël Kivlin 33,929
Typed or printed name Reg. No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.